

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

FILED
AUG 26 2020
U.S. CLERKS OFFICE
EVANSVILLE, INDIANA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
TONY R. BIGGS,)
)
Defendant.)

Cause No. 3:20-cr-24RLY-MPB-01

INDICTMENT

Count 1

[Title 18, United States Code, Sections 2252(a)(4)(B) and 2252(b)(2),
Possession of Sexually Explicit Material Involving Minors]

The Grand Jury charges that:

On or about July 15, 2019, in the Southern District of Indiana, and elsewhere,

TONY R. BIGGS,

the defendant herein, knowingly possessed, attempted to possess, and accessed with the intent to view one or more books, magazines, periodicals, films, video tapes, and other matter which contained visual depictions that had been mailed, shipped and transported using any means and facility of interstate and foreign commerce, shipped and transported in and affecting interstate and foreign commerce, and which were produced using materials which had been mailed and shipped and transported using any means and facility of interstate and foreign commerce, by any means, including by computer, and the producing of such visual depictions involved the use of minors engaging in sexually explicit conduct and such visual depictions were of such conduct, to wit: TONY R. BIGGS knowingly possessed, attempted to possess, and accessed with the intent

to view videos and images, including the video and images with the partial file names listed below, depicting actual minors engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), including one or more visual depictions involving a prepubescent minor or a minor under twelve years of age, that BIGGS acquired through a connection to the internet using a HP Laptop computer and an 8GB Fujifilm SD card manufactured outside of Indiana.

	FILE NAME
A	Image(149) (11-327483.jpg)
B	Image(154) (11-327496.jpg)
C	Image(138) (11-329658.jpg)
D	ชุดแบบเด็ก ๆ.mp4 (1-620.flv)

All of which is in violation of Title 18, United States Code, Sections 2252(a)(4)(B) and 2252(b)(2).

FORFEITURE ALLEGATION

1. The allegations in this Indictment are re-alleged as if fully set forth here, for the purpose of alleging forfeiture, pursuant to Title 18, United States Code, Section 2253. Pursuant to Federal Rule of Criminal Procedure 32.2, the United States hereby notifies the defendant that it will seek forfeiture of property, criminally and/or civilly, pursuant to Title 18, United States Code, Sections 2253 and 2254 as part of any sentence imposed.

2. Pursuant to Title 18, United States Code, Section 2252, if convicted of the offense set forth in this Indictment, the defendant shall forfeit to the United States:

A. any visual depictions described in Title 18, United States Code, Sections 2251, 2251A, or 2252, 2252A, 2252B, or 2260, and any book, magazine, periodical, film, videotape, or other matter which contains any such visual depictions, which were produced, transported, mailed, shipped, or received in violation of Title 18, United States Code, Chapter 110;

B. any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offenses of which the defendant is convicted, or a sum of money equal to the total amount of traceable gross profits (money judgment); and

C. any property, real or personal, used or intended to be used to commit or to promote the commission of such offenses of which the defendant is convicted, or any property traceable to such property.

3. The property subject to forfeiture includes, but is not necessarily limited to:

A. One HP Laptop computer bearing partial serial number 453WBH;

B. One blue 8GB Fujifilm SD card bearing partial serial number 0630D; and

C. All component parts of the described devices.

4. The United States shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), and as incorporated by Title 18, United States Code, Section 2253(b), if any of the property described above in paragraph 3, as a result of any act or omission of the defendant(s):

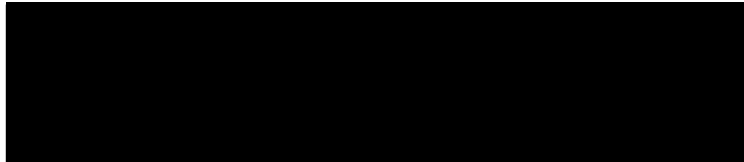
A. cannot be located upon the exercise of due diligence;

B. has been transferred or sold to, or deposited with, a third party;

- C. has been placed beyond the jurisdiction of the court;
- D. has been substantially diminished in value; or
- E. has been commingled with other property, which cannot be divided without difficult.

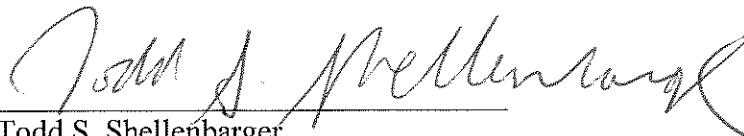
5. In addition, the United States may seek civil forfeiture of the property described above in paragraph 3 pursuant to Title 18, United States Code, Section 2254.

A TRUE BILL:



JOSH J. MINKLER
United States Attorney

by:



Todd S. Shellenbarger
Assistant United States Attorney